



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (WELFARE)

(G. O. Ms. No. 3/2009/Wel.SCW.II, dated 25th February 2009)

ORDER

Whereas the Lieutenant-Governor, Puducherry, taking into account the decision rendered by the Apex Court at Paragraph 21 of the judgement, dated 11-2-2005 in Appeal (Civil) No. 6-7 of 1998 filed by S. Pushpa and others, that if a State or Union Territory makes a provision whereunder the benefit of reservation is extended only to such Scheduled Castes or Scheduled Tribes which are recognised as such in relation to that State or Union Territory then such a provision would be perfectly valid, was pleased to order that the reservation benefits in the field of education and welfare shall continue to be extended only to the Scheduled Caste Origins of this Union Territory *vide* the G. O. Ms. No. 12/2005/Wel.(SCW.II), dated 5-8-2005 of Welfare Secretariat, Puducherry;

And whereas the said G.O. Ms. No. 12 was challenged before the High Court of Judicature at Madras wherein the High Court, Madras *vide* Common Order, dated 21-7-2008 in W.P.Nos.33305 and 33306, relying on the stand taken by the Supreme Court in the case of S. Pushpa and others *i.e.*, paragraph 21, has held that the Government of Puducherry is well within the jurisdiction to issue the impugned G.O. Ms. No. 12, dated 5-8-2005;

And whereas having felt the need to make necessary provision for extension of similar educational benefits to the migrant Scheduled Caste students in the Union territory of Puducherry, the Council of Ministers in the meeting held on 24-9-2008, resolved that in view of the judgement of the Supreme Court in Civil Appeal Nos. 6-7/1998, in S. Pushpa and others *versus* Sivashanmugavelu and others and judgement of the Hon'ble High Court, dated 21-7-2008 in W.P. Nos. 33305/33306 of 2006, to extend reservation benefits in so far as it relates to the field of education, to the Scheduled Caste migrant candidates provided that such extension shall not be applicable to those pursuing Engineering and Medical Courses;

And whereas having felt the need to make necessary provision for extension of reservation benefits of welfare schemes to the Scheduled Caste migrants in the Union territory of Puducherry, the Council of Ministers in the meeting held on 1-12-2008 resolved to extend the benefit of welfare schemes of the Government to all migrant Scheduled Castes people of the Union Territory;

Now, therefore, the Lieutenant-Governor, Puducherry is pleased to extend —

(i) the benefit of welfare schemes of the Government to all the migrant Scheduled Caste people of this Union Territory; and

(ii) the reservation benefits in the field of education, to the Scheduled Caste migrant students (subject to the condition that the educational benefits shall not be applicable to those pursuing Engineering and Medical Courses under the Government of Puducherry);

as made applicable only in respect of Scheduled Caste Origins of this Union Territory *vide* G.O. Ms. No. 12/2005/Wel.SCW.II, dated 5-8-2005 and for the said purpose, hereby makes the following amendment thereto, namely—

AMENDMENT

In the said Government Order, after paragraph (4) the following paragraph shall be inserted, namely:-

“(4A), Notwithstanding the provisions in paragraph 4, the reservation benefits:-

(i) in so far as it relates to the welfare schemes of the Government, shall be extended to all migrant Scheduled Caste people of this Union Territory; and

(ii) in so far as it relates to the field of education, such benefits shall be extended to the Scheduled Caste migrant students provided that such extension shall not be applicable to those pursuing Engineering and Medical Courses, under the Government of Puducherry”.

2. This order shall come into force with immediate effect.

(By order of the Lieutenant-Governor)

S. POUCHEPARANY,

Under Secretary to Government.

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